

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re:

CIRCUIT CITY STORES, INC.,	: CHAPTER 11
<u>et al</u> ,	: CASE NO. 08-35653-KRH
	:
Debtors	: JOINTLY ADMINISTERED

**OBJECTION OF 444 CONNECTICUT AVENUE, LLC TO  
ASSUMPTION AND ASSIGNMENT OF LEASE,  
AND CURE AMOUNTS ASSOCIATED THEREWITH**

444 Connecticut Avenue, LLC, Store #3690 (hereinafter "Landlord"), by and through its undersigned counsel, hereby files this objection to Debtors' Request to the Assumption and Assignment of the Lease held by Landlord, and Cure Amounts Associated herewith (the "Cure Amount"). In support of its objection, Landlord states as follows:

1. Contrary to the Order of February 19, 2009, and any amendments thereto, Circuit City has not served the notice of the assumption and assignment of the executory contract upon the Landlord. The Landlord does acknowledge that the Cure Amounts were filed on or about March 5, 2009.

2. The Cure Amount purports to put Landlord on notice that the Debtor may assume and assign the Lease with Landlord in connection with the sale of the Lease. The Cure Amount further alleges that the total cost to cure under the Lease is \$78,299.00.

3. Landlord objects to the Cure Amount on the basis that the Debtor's Total Cure Cost is incorrect. Currently, Landlord is owed in excess of \$223,018.87 plus attorneys' fees

in the amount of \$10,000.00, or a total of \$233,018.87. These amounts are listed on Schedule A affixed hereto and made a part hereof.

4. Landlord reserves the right to supplement this objection and insert additional amounts due. The amounts due Landlord are subject to change as a result of any future expenses heretofore undiscovered. Landlord asserts that all amounts due and owing relating to the Lease must be cured prior to any assumption or assignment.

5. Furthermore, Landlord objects to the assumption and assignment of its Lease unless the Debtor provides adequate assurance of the buyer's ability to perform in the future.

WHEREFORE, Landlord requests that the Court condition the assumption and assignment of the foregoing Lease to payment of the full and correct cure amount, the provision of adequate assurance of future performance, and such other relief as is just and proper.

Dated: March 6, 2009

444 CONNECTICUT AVENUE, LLC

By: 

James G. Verrillo (ct08819)

ZEISLER & ZEISLER, PC.

558 Clinton Avenue, P.O. Box 3186

Bridgeport, CT 06605

Tel: (203) 368-4234

[jverrillo@zeislaw.com](mailto:jverrillo@zeislaw.com)

Aging Report  
(Detailed)

Property : 444 Connecticut Avenue,  
444CT LLC

as of 03/06/2009

Unit Type	Unit Reference Number	Occupant Name	Deposits Held	Balance Due	AGED 1 - 30 DAYS	AGED 31 - 60 DAYS	AGED 61-90 DAYS	AGED OVER 90 DAYS
CURR	1	CIRCUIT CITY	0.00	223,018.87	85,856.50	(817.48)	59,681.05	78,298.80
Contact :		MAUREEN OLSON						
Phone :		(804) 527-4000						

CHARGE CODE	CHARGE DESCRIPTION	CHARGE DATE		
CAM	2008 Estimated CAM	11/01/2008		2,721.84
RNT	Monthly Rent	11/01/2008		75,576.96
TAX	RE Taxes 1/1/09-6/30/09	12/22/2008		
CAM	2008 CAM Reconciliation	01/26/2009		59,681.05
CAM	2008 Estimated CAM	02/01/2009	(1,504.54)	
CAM	2008 Estimated CAM	03/01/2009	687.06	
RNT	Monthly Rent	03/01/2009	2,721.84	
			83,134.66	

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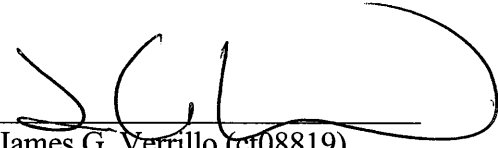
Debtors

: CHAPTER 11  
: CASE NO. 08-35653-KRH  
:  
: JOINTLY ADMINISTERED

CERTIFICATE OF SERVICE

I, James G. Verrillo, Esquire, hereby certify that on March 6, 2009, a true and correct copy of the foregoing document was served via Hand Delivery, Electronic Delivery and/or First Class Mail upon all parties on the attached list.

Dated: March 6, 2009.



James G. Verrillo (ct08819)  
ZEISLER & ZEISLER, PC.  
558 Clinton Avenue  
P.O. Box 3186  
Bridgeport, CT 06605  
Tel: (203) 368-4234  
[jverrillo@zeislaw.com](mailto:jverrillo@zeislaw.com)  
Counsel to 444 Connecticut Avenue, LLC

SERVICE LIST

***Debtor***

**Circuit City Stores, Inc.**  
9950 Mayland Drive  
Richmond, VA 23233

represented by **Daniel F. Blanks**

McGuireWoods LLP  
9000 World Trade Center,  
101 W. Main St.  
Norfolk, VA 23510

**Dion W. Hayes**  
McGuireWoods LLP  
One James Center,  
901 E. Cary St.  
Richmond, VA 23219

**Douglas M. Foley**  
McGuireWoods LLP  
9000 World Trade Center,  
101 W. Main St.  
Norfolk, VA 23510

**Gregg M. Galardi**  
Skadden Arps Slate  
Meagher  
& Flom LLP,  
One Rodney Sq.  
PO Box 636  
Wilmington, DE 19899

**Ian S. Fredericks**  
Skadden Arps Slate  
Meagher  
& Flom LLP, One Rodney  
Sq.  
PO Box 636  
Wilmington, DE 19899

**Joseph S. Sheerin**  
McGuire Woods LLP  
One James Center  
901 East Cary Street  
Richmond, VA 23219

**Sarah Beckett Boehm**  
McGuireWoods LLP  
One James Center  
901 East Cary St.  
Richmond, VA 23219

***Debtor Designee***

**Bruce H. Besanko**

9950 Mayland Drive  
Richmond, VA 23233

***U.S. Trustee***

**W. Clarkson McDow, Jr.**

Office of the U. S. Trustee  
701 E. Broad St., Suite 4304  
Richmond, VA 23219

represented by **Robert B. Van Arsdale**  
Office of the U. S. Trustee  
701 East Broad Street,  
Suite 4304  
Richmond, VA 23219

***Creditor Committee***

**Official Committee of Unsecured Creditors,  
*Official Committee of Unsecured Creditors***

represented by **Alan J. Kornfeld**

**Brad R. Godshall**  
Pachulski Stang Ziehl &  
Jones, LLP  
10100 Santa Monica Blvd,  
11th Floor  
Los Angeles, CA 90067-  
4100

**Jeffrey N. Pomerantz**  
Pachulski Stang Ziehl &  
Jones LLP  
10100 Santa Monica Blvd.,  
Suite 1100  
Los Angeles, CA 90067

**John M. Brom**  
Querrey & Harrow, Ltd. 175  
West Jackson Blvd. Suite  
1600 Chicago, IL 60604-  
2827

**John D. Fiero**  
Pachulski Stang Ziehl &  
Jones LLP  
150 California Street, 15th  
Floor  
San Francisco, CA 9411-  
4500

**Lynn L. Tavenner**  
Tavenner & Beran, PLC  
20 North Eighth Street,  
Second Floor  
Richmond, VA 23219

**Paula S. Beran**  
Tavenner & Beran, PLC  
20 North Eighth Street,  
Second Floor  
Richmond, VA 23219

**Robert J. Feinstein**  
Pachulski Stang Ziehl &  
Jones LLP  
780 Third Ave. 36th Floor  
New York, NY 10017